

UTRECHT, KLEINFELD, FIORI, PARTNERS

RECEIVED
FEDERAL ELECTION
COMMISSION

ATTORNEYS AT LAW

1900 M Street, NW Suite 500 Washington, DC 20036

Main (202) 778-4000

Facsimile (202) 842-5825

www.up-law.com

2016 SEP -9 PM 2: 35

OFFICE OF GENERAL
COUNSEL

September 6, 2016

Jeff S. Jordan

Office of the General Counsel

Federal Election Commission

999 E Street, NW

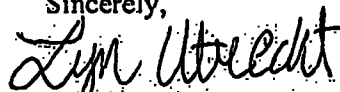
Washington, DC 20463

Re: MUR 7059, Loretta Sanchez for Senate

Dear Mr. Jordan:

Enclosed is the original copy of our response filed on behalf of our clients the Honorable Loretta Sanchez, Loretta Sanchez for Senate, and Ashleigh Aitken, in her official capacity as Treasurer, at 2:05 PM on September 6, 2016.

Sincerely,



Lyn Utrecht

Greg Holger

17044411235

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Federal Election Commission
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Washington, DC 20436

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Re: MUR 7059, Loretta Sanchez for Senate

Dear Mr. Jordan:

This response is submitted on behalf of Respondents the Honorable Loretta Sanchez, Loretta Sanchez for Senate ("Committee") and Ashleigh Aitken, in her official capacity as Treasurer. The Complaint filed in this matter alleges that respondents committed a myriad of violations most of which have nothing to do with the Federal Election Campaign Act ("FECA") and are not within the jurisdiction of the Federal Election Commission ("FEC"). Moreover, the Complaint offers scant factual information to support its allegations, most of which are based on innuendo and sensational accusations.

The complaint includes three allegations that implicate, in part, provisions of the Federal Elections Campaign Act. The first alleges FECA violations based on purported contributions from Saigon Broadcasting TV Network (SBTN) to the Committee. The second allegation concerns the hiring of staff in the Representative's Orange County District Office. This allegation includes vague assertions about the staffer, none of which amount to any violation within the FEC's jurisdiction. In fact, this allegation is nothing more than a collection of unsubstantiated personal attacks that do not allege violations of FECA. The third and final allegation consists of a generalized statement that a contribution by Human Rights for Vietnam PAC (HRVN PAC) to the Committee to Re-Elect Loretta Sanchez may be part of a plan by a foreign political party to influence U.S. elections and policies.

As discussed below, this Complaint is totally without merit, presenting no credible evidence that would justify a finding of reason to believe by the Federal Election Commission. Therefore this Complaint should be dismissed.

1. Saigon Broadcasting TV Network (SBTN)

The Complaint alleges that SBTN, a broadcasting station, "offered [the Committee] 'soft' contributions in the form of free airtime ... organized phone banks... and hosted fundraising

events ... over the years.” (Complaint, p. 5.) Two events are specifically mentioned: one on July 31, 2015, and another on February 27, 2016.

a) July 31, 2015 Media and Phone Bank Event

In fact, SBTN made no contribution regarding the July 31, 2015 event. When the Committee holds events, its practice is to purchase time from the station, for a broadcast at which the candidate appears, while a phone bank run by volunteers takes calls from contributors. The Committee paid SBTN for the July 31, 2015 event and FEC reports show that payment in the amount of \$4,500.00 was made to SBTN on 8/18/2015. (See below.)

Full Name (Last, First, Middle Initial) C. Saigon Broadcasting Television Network, Inc.		Date of Disbursement 08 / 18 / 2015	
Mailing Address P.O. Box 127		Amount of Each Disbursement this Period 4,500.00	
City Garden Grove, CA	State CA	Zip Code 92842	
Purpose of Disbursement Media Buy		Category/ Type 004	
Candidate Name			
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
State:	District:		

The SBTN invoice for this reported payment indicates that it was for a “Fundraising live show.” (See Attachment 1.)

b) February 27, 2016 San Jose Event at Flourishing Garden Restaurant

The Complaint alleges that SBTN “organized” a fundraising event at the Flourishing Garden Restaurant in San Jose for Representative Sanchez on February 27, 2016, and that the event was “attended by several Viet Tan leaders.” (Complaint, p. 6.) The Complaint does not cite to any specific factual information that SBTN was involved in this event. Moreover, any alleged attendance at a fundraising event by purported Viet Tan¹ party leaders would not establish any FEC violation.

The timing of this event coincided with the California State Democratic Party Convention in San Jose on February 26-28. Representative Sanchez participated in that Convention and did not attend the event.

A group of volunteers hosted and ran this event. It raised \$11,040 in 49 contribution checks that were transmitted to the Committee. Attachment 2 provides a list of those contributions, all of which were reported, including 14 that were itemized on Schedule A of the Committee’s April 2016 quarterly report. Individuals attending the event paid for their own food and beverages. Under Advisory Opinion 2015-07, attendees at candidate committee campaign

¹ Viet Tan is an American organization with chapters in foreign countries. It has a network of members inside Vietnam and around the world, aiming to establish democracy and reform Vietnam through peaceful and political means. (See www.viettan.org.)

events may pay for their own food and beverages without such payments being treated as in-kind contribution to (or expenditures by) the committee, provided that the candidate committee is not relieved of any expenses it would otherwise incur. Individuals attending the February 27 event paid for food and beverages consumed and such purchases did not relieve the committee of any expense.

2. Staff hired in Orange County District Office

The Complaint alleges that a staff member, Ms. Lilly Nguyen, was hired to work in Representative Sanchez's District Office in exchange for certain political contributions and further alleges that she has used her position to silence critics of the Viet Tan political party. (Complaint, p. 6, 11.) Ms. Nguyen's hiring occurred nearly 10 years ago in 2007 and at that time, she already had significant professional work experience.² The complaint points to four specific contributions to the Sanchez campaign, alleging that the contributors are Viet Tan party "leaders" and also that other Viet Tan members made contributions. There are no facts provided in the Complaint indicating that these contributions are illegal. The allegation that Representative Sanchez hired staff in exchange for such contributions is totally unsubstantiated and does not specify any violation within the jurisdiction of the FEC. (Complaint, p. 11.) The same is true of the vague assertion that contributions to Representative Sanchez's campaign may be part of a plan by a foreign political party to influence US elections and policies. (Complaint, p. 16.)

The Complaint includes a litany of additional accusations alleging that the same staff person was responsible for exposing and denouncing dissidents, and that HRVN PAC, as well as SBTN, are part of a scheme to exercise political influence. (Complaint, p. 11, 12, 16, Appendix 6.) Once again, these are a totally unsubstantiated accusations that do not specify any violation within the jurisdiction of the FEC.

3. HRVN PAC Contributions

The Complaint includes a very generalized statement that a contribution by HRVN PAC (Human Rights for Vietnam PAC) to the Committee to Re-Elect Loretta Sanchez "may be part of a plan" by a foreign political party to influence U.S. elections and "constitute gross violations of...laws... under FEC's oversight." (Complaint, p. 5, 16) As a basis for this allegation, the complaint cites to a HRVN PAC contribution made to the Committee in 2012 in the amount of \$2,000. This PAC contribution was made four years ago and was legal and properly reported. The Complaint presents no credible evidence of any FEC violation based on this contribution.

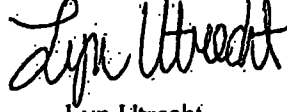
Conclusion

The Complaint fails to meet the standards specified in FEC regulations in that it does not recite "...facts which describe a violation of a statute or regulations over which the Commission has jurisdiction." 11 C.F.R. 111.4(d)(3). Moreover, the complaint is laden with unfounded personal accusations against individuals named in the complaint. These baseless vituperative attacks go to the fundamental credibility of the complaint and the allegations contained therein.

² Ms. Nguyen was a college graduate and had prior work experience with nonprofit organizations before joining Rep. Sanchez's staff in 2007. She was a qualified professional at the time of her hiring, with a background that was well suited to her work with community groups and in her constituent advocacy duties with Rep. Sanchez.

Therefore, on behalf of Respondents, we respectfully request that this Complaint be dismissed as it fails to present any credible evidence that a violation of the federal campaign laws occurred.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lyn Utrecht".

Lyn Utrecht
Greg Holger

17044411259

ATTACHMENT 1

MUR 7059, Loretta Sanchez for Senate

17044411260



SERVICE AGREEMENT

SAIGON BROADCASTING TELEVISION NETWORK, INC. (SBTN)

P.O. BOX 127 - GARDEN GROVE, CA 92842 - USA

TEL (714)636-1121 | FAX (714)260-0236

WWW.SBTN.TV

Client Information				Account Number:	
Company Name	LORETTA SANCHEZ FOR US SENATE DBA: JMB				
Company Address	P.O. BOX 6037				
City	SANTA ANA	State	CA	Zip	92706
Contact Person	MARIA UNZUELA	Title		Email	
Telephone No.	714-774-0236	Mobile		Fax	
SBTN Representative	In-house	Office		Cell	

Commercial Package Code:					
<input type="checkbox"/> Commercial	<input type="checkbox"/> Sponsorship	<input checked="" type="checkbox"/> Other			
Please specify:					
Duration:	<input type="checkbox"/> 15 Seconds	<input type="checkbox"/> 30 Seconds	<input type="checkbox"/> 45 Seconds	<input type="checkbox"/> 60 Seconds	<input type="checkbox"/> 90 Seconds
Starting Date:	Ending Date:				
# of spots purchase					=
	* Fund Raising LIVE show for THE CAMPAIGN "LORETTA SANCHEZ FOR U.S. SENATE"				= \$500
Production Fee	from 1 PM -> 4 PM				=
Billing Option	<input type="checkbox"/> Monthly	<input type="checkbox"/> Quarterly	<input type="checkbox"/> Half-Yearly	Total	= \$500
	2nd Payment due date:			Deposit/Check #	= \$
Special Notes:				Balance Due	= \$500

CLIENT BUSINESS INFORMATION

Main Feature of Business	
Focus of Advertisement	
Business Goals/Targets	

CLIENT AUTHORIZATION

Client acknowledges the Client has read and understands this Service Agreement, its terms and conditions, and SBTN Advertisement Rate sheet attached to be bound by the terms and conditions contained therein. Client further acknowledges receipt of this Service Agreement.			
(Print Client Name)	(Client Signature, Person Authorized to Sign on Behalf of the Business)	Client Title	Date

SBTN AUTHORIZATION - Agreement must be approved by sbtn management to be valid and binding.

SBTN Sales Representative		SBTN Management's Approval	
Name:	In-house	Name:	QUANG NGUYEN Title: GM
Signature:	✓	Signature:	Quang Nguyen Date: 07-20-15

ATTACHMENT 2

MUR 7059, Loretta Sanchez for Senate

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Itemized Contributions

Name	Date	Amount	Citation
Thanh Ba Le	3/21/2016	\$100.00	P. 16B
Thanh Ba Le	3/26/2016	\$100.00	P. 16C
The Trong Doan	3/31/2016	\$250.00	P. 43B
Dan Hoang	3/21/2016	\$2,700.00	P. 69C
Thuong Hoang	3/31/2016	\$500.00	P. 70A
Trung Lam	3/22/2016	\$450.00	P. 87B
Diem Le	3/31/2016	\$250.00	P. 89A
Douglas Le	3/21/2016	\$200.00	P. 89B
Khoa Le	3/31/2016	\$300.00	P. 89C
Roger Le	3/22/2016	\$500.00	P. 90A
Hanh Nguyen	3/21/2016	\$150.00	P. 108B
Hanh Nguyen	3/31/2016	\$250.00	P. 108C
Uyen Nguyen	3/22/2016	\$300.00	P. 109B
Peter Pham	3/21/2016	\$100.00	P. 118B
Peter Pham	3/24/2016	\$290.00	P. 118C
Trung Pham	3/24/2016	\$500.00	P. 119B
Ngoc Xuan Phan	3/21/2016	\$50.00	P. 119C
Ngoc Xuan Phan	3/21/2016	\$200.00	P. 120A
Thanh Quach	3/31/2016	\$250.00	P. 122B
Anthony Tong	3/21/2016	\$200.00	P. 149B
Han Tran	3/21/2016	\$100.00	P. 150B
Phong Tran	3/21/2016	\$100.00	P. 150C
Phong Tran	3/21/2016	\$100.00	P. 151A
Dieuquyen Trong	3/24/2016	\$500.00	P. 151B
Binh Vo	3/24/2016	\$500.00	P. 155B
Van My Vo	3/21/2016	\$200.00	P. 155C

Unitemized Contributions

Name	Date	Amount
Chan Dang-Vu	3/21/16	\$100.00
Cong Thanh Do	3/21/16	\$100.00
Bao Troang Doan	3/21/16	\$50.00
Jennifer Do-Nguyen	3/21/16	\$100.00
Dinh Hoang	3/21/16	\$100.00
Dinh Hoang	3/21/16	\$50.00
Laura Hoang	3/21/16	\$100.00
Trang Huynh	3/21/16	\$50.00
Hai Lam	3/21/16	\$100.00
Chinh Van Le	3/23/16	\$100.00
Maylan Le	3/21/16	\$50.00
Philip Mertz	3/21/16	\$100.00
Christine Ngaard	3/21/16	\$100.00
Pierre Ngo	3/21/16	\$100.00

Fred Nguyen	3/23/16	\$50.00
Mydung Nguyen	3/21/16	\$100.00
Thanh Nguyen	3/23/16	\$50.00
Tonytam Nguyen	3/21/16	\$100.00
Chim Phan	3/21/16	\$100.00
William Singer	3/21/16	\$50.00
Kanh Tran	3/21/16	\$150.00
Triet Trinh	3/21/16	\$100.00
Suu Truong	3/21/16	\$50.00

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